

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and )  
SUZANNE NAGELSKI, )  
                        )  
Plaintiffs,             )  
                        )  
vs.                     )  
                        )  
PREFERRED PAIN MANAGEMENT )  
& SPINE CARE, P.A., *et. al.*, )  
                        )  
Defendants.             )  
                        )  
                        )

**DECLARATION OF DR. DAVID  
SPIVEY**

Under penalty of perjury as provided by law, the undersigned certifies pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. My name is Dr. David Spivey. I am older than the age of legal majority, suffer from no legal disabilities, and am otherwise competent to give this declaration.
2. This declaration is freely and voluntarily given on my own behalf and is based upon my personal knowledge of the matters contained herein.
3. I serve as the owner, President, and CEO of Preferred Pain Management & Spine Care, P.A. (“PPM” or the “Company”). PPM is a medical clinic which focuses on providing patients with treatments to reduce their levels of pain and increase their functionality. PPM focuses on interventional pain procedures, supporting medications, and advanced therapies to control and relieve their patient’s pain.
4. Currently, PPM has two clinic locations in Winston-Salem and Greensboro. PPM operates a laboratory at a separate location in Greensboro.

5. In Plaintiffs' Joint Appendix, certain deposition transcript portions contain confidential, proprietary business and financial information.

**Rebecca Kovalich Deposition Excerpts (Plaintiffs' Exhibit 1):**

6. Pp. 128-129 discuss specialized equipment, vendors, operating costs, and an employee involved in proprietary testing. This information is not currently known by the public. Disclosure of this confidential business information would give local competitors an unfair competitive advantage.

7. Pp. 133-139 detail vendors, specialized equipment, proprietary testing, purchase costs, business contacts, equipment processing, implementation of strategic machines, and named consultants. This information is not currently known by the public. Disclosure of this confidential business information would give local competitors an unfair competitive advantage.

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

I swear and affirm under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

FURTHER DECLARANT SAITH NOT.

Executed this 14<sup>th</sup> day of November, 2018.



A handwritten signature in black ink, appearing to read "David Spivey". The signature is written in a cursive style with a horizontal line underneath it.

DR. DAVID SPIVEY

4817-2096-0883, v. 1